

**SUMMARY OF THE
REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF EDINA, MINNESOTA
CITY COUNCIL CHAMBERS
MARCH 12, 2014
7:00 PM**

I. CALL TO ORDER

II. ROLL CALL

Answering the roll call were: Schroeder, Potts, Olsen, Kilberg, Halva, Lee, Carr, Platteter, Forrest, Staunton

Members absent from roll: Scherer

III. APPROVAL OF MEETING AGENDA

Commissioner Platteter moved approval of the meeting agenda. Commissioner Carr seconded the motion. All voted aye; motion carried.

IV. APPROVAL OF CONSENT AGENDA

Commissioner Platteter moved approval of the January 22, 2014, meeting minutes. Commissioner Potts seconded the motion. All voted aye; motion carried.

V. COMMUNITY COMMENT

Chair Staunton asked if anyone would like to speak; being none, Commissioner Potts moved to close community comment. Commissioner Forrestl seconded the motion. All voted aye; public comment closed.

VI. PUBLIC HEARINGS

A. Variance. Amy Sells, 6604 Scandia Road, Edina, MN

Planner Presentation

Planner Aaker informed the Commission the subject property is located on the south side of Scandia Road cul-de-sac consisting of a 1 and 1 1/2 story home with an attached two car garage. The property

owner would like to expand the upper level to be a full second story. The new second floor includes a laundry room, bedroom areas and bathroom. The existing front corner of the home is located 29.2 feet from the north, (front), lot line. The zoning ordinance requires that all new homes and additions to existing homes maintain the front yard setback of the adjacent neighbor that faces the same street. The adjacent neighbor has a front yard setback of 40.3 feet. The ordinance requires all improvements to the home to be 40.3 feet from the front lot line, even though the existing first floor of the home is 29.2 feet from the cul-de-sac. The addition will simply match the existing nonconforming front yard setback and will be no closer to the street than the current home. It should be noted that the homes at 6600 and 6606 Scandia Road provide a 32 and a 30 foot setback from Scandia Road right-of-way, which is a similar distance that the subject home provides.

Planner Aaker further explained that the homeowners are proposing to increase the roof height in order to accommodate more bedroom, bath and laundry room area. The second floor will be “stacked” on top of the existing first floor. There will be no increase in building footprint. Spacing between the subject home and the home to the west will remain the same.

Planner Aaker concluded that staff recommends that the Planning Commission approve the variance based on the following findings:

- 1) With the exception of the variance for front yard setback, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it slightly alters existing conditions without reducing setback or impacting the surrounding neighbors.
 - b. The imposed front yard setback and existing house location does not provide opportunity for an increase in roof pitch or adequate room space above the existing home.
 - c. The original placement of the home closer to the front lot line makes it difficult to adjust living spaces within the existing structure footprint.

Approval of the variance is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the Survey date stamped: February: 25, 2014 and building plans/elevations date stamped: February: 25, 2014.

Appearing for the Applicant

Amy Sells

Applicant Presentation

Mr. Ryan I 1420 Park Ridge, Minnetonka addressed the Commission and explained that the existing non-conforming setback established the need for a variance. He added that in his opinion the proposed addition is reasonable. The proposed renovation provides extra living space without increasing the footprint of the existing house.

Ms. Sells addressed the Commission and explained that she fully understands the role of the Commission and how variances impact the City. Sells stated that it is her wish to have a full second story and to achieve the 2nd story a variance is required. She said at this time her daughter is upstairs and she's downstairs and the addition would eliminate that separation. Sells concluded that this expansion allows her to remain in the neighborhood.

Discussion

Commissioner Platteter referred to a letter from a neighbor expressing concern about the construction process and asked Planner Teague if this variance request rises to the level of overview by the Residential Redevelopment Coordinator, Cindy Larson. Continuing, Platteter said if not he would suggest that Ms. Larson oversee construction elements of the project. Planner Teague responded that in this situation because a demolition permit is not required an escrow fee would not be established and there would be no overview by the Redevelopment Coordinator.

A discussion ensued on if this variance request should be monitored by the Residential Redevelopment Coordinator. Commissioners also expressed the following opinions:

- Variances are individual and unique and conditions can be placed on them without worry of precedent. In this instance the close proximity of the homes and the limited parking on the cul-de-sac could be the nexus.
- If required overview by the Residential Redevelopment Coordinator is required as a condition of approval is City staffing sufficient to respond to other remodels (under 50%) if the occasion arises.
- Consider encouraging applicants to follow the established construction guidelines based on the Management Plan and not list it as a condition of approval.
- Requiring this as a condition could be viewed as a slippery slope if more approvals are conditioned on compliance with the Construction Maintenance Plan..
- Review the 50% threshold requiring compliance with the Construction Maintenance Plan.

Chair Staunton acknowledged receipt of e-mails about the project and asked if there was anyone in the audience that would like to speak to the issue; being none, Commissioner Potts moved to close the public hearing. Commissioner Platteter seconded the motion. All in favor; motion to close public hearing carried.

Commissioner Potts commented that this request reminds him of his home. He explained a second story was added to his home that required a variance.

Motion

Commissioner Potts moved variance approval based on staff findings and subject to staff conditions and the additional condition that the City's Residential Redevelopment Coordinator monitor the construction aspects of this project (parking, hours, dirt, etc.). Commissioner Platteter seconded the motion. Ayes;

Forrest, Platteter, Carr, Lee, Potts, Olson, Staunton. Abstain, Schroeder. Motion carried.

Commissioner Lee commented in being new to this process that she has a concern with the overall volume of the subject structure. She noted the subject house has a hipped roof which reduces the mass by offering the feeling that the structure is moving away from the setback line. A straight up expansion without acknowledging the architectural features of the existing home that reduce volume may not be wise. Volume should also be considered.

VII. REPORTS AND RECOMMENDATIONS

A. City Code Amendment – Tree Preservation

Chair Staunton asked Planner Teague to give a brief overview on the Commissions progress on the proposed Tree Preservation Ordinance.

Planner Presentation

Planner Teague reminded the Commission the Tree Preservation Ordinance adoption was continued to allow for suggested revisions to the Ordinance. Teague summarized the following revisions and requirements:

- The ordinance applies to all demolition permits including those for accessory structures including a garage, deck or pool.
- All permits are required to include a certified tree inventory plan
- Protected trees include birch, balsam fir, black walnut, buckeye, cedar, elm, hemlock, hickory, ironwood, linden locust, maple (except silver maple) Norway pine, oak, spruce and white pine varieties.
- Healthy protected trees that are removed within a building pad, or a 10-foot radius of the building pad or within a driveway or parking area must be replaced 1 to 1.
- Any protected healthy tree that is removed within 10-feet of the building pad or within the driveway or parking area must be replaced 2 to 1.
- Protected trees must be protected during construction; and
- Staff is required to monitor all construction projects with protected trees and/or replacement trees to ensure that all trees are properly established for three years.

Concluding, Teague also noted there would be staffing concerns; however, this would be a decision of the City Council in regard to staffing.

Discussion

Chair Staunton commented that the Ordinance only applies to tree removal one year prior to construction not after. He noted that trees could be removed after the final CO was issued. Commissioners agreed with that statement.

A discussion ensued with Commissioners supporting the revisions as referenced.

Commissioners did express hesitation on #4 of the proposed Ordinance and compatibility between numbers 5 and 7. It was further discussed that a variance process should be considered if for any reason a property owner cannot comply with the proposed Tree Preservation Ordinance. Further discussion focused on cost issues for the City (staffing) and property owners. It was further pointed out that “relocating” a tree may be more expensive than replacing a tree; and if a property owner could have an option.

Motion

Commissioner Platteter moved to recommend approval of the Tree Preservation Ordinance with the following revisions:

- **Delete paragraph #4**
- **#7 – Remove underlined text and replace it with like text found in #5.**
- **Add a paragraph that establishes a variance process.**

Commissioner Forrest seconded the motion. All voted aye; motion carried.

Commissioner Platteter stated he is also waiting for comment from the Energy and Environment Commission on the proposed Tree Preservation Ordinance. Platteter said he hopes to have their response by the time the City Council hears the Ordinance. Platteter stated he anticipates that the City Council will review the proposed Tree Ordinance at their April 22, 2014, meeting.

Chair Staunton thanked everyone for their effort during this process adding Tree Preservation can now be removed from the Commission’s Work Plan.

B. Wooddale and Valley View Road/Small Area Plan

Chair Staunton told the Commission Commissioners Platteter and Forrest are working with City Staff on implementing a small area plan for the Wooddale and Valley View area. Staunton noted that the small area plan for this area is included in the Commission’s 2014 Work Plan.

Platteter reported that Karen Kurt, Assistant City Manager is also a member of the City staff he and Forrest will be working with on this plan. Commissioner Platteter delivered a power point presentation outlining for the Commission a broad overview of the process. Platteter and Forrest stood for questions.

Commissioner Carr suggested considering adding an additional staff resource from either the Transportation Commission or Living Streets Committee for additional input; especially as it relates to transportation and streets.

Commissioner Forrest also noted that this neighborhood is a “true” neighborhood node that has the potential to be heavily utilized by neighbors.

Commissioners Platteter and Forrest told the Commission they would continue to update the Planning Commission as the plan proceeds.

VIII. CORRESPONDENCE AND PETITIONS

Chair Staunton acknowledged back of packet materials.

IX. CHAIR AND COMMISSION COMMENTS

Chair Staunton told the Commission the Planning Commission meeting scheduled for March 26, 2014 has been cancelled. Staunton informed Commissioners he would like the election of new officers and revisions any revisions to the Planning Commission bylaws held in April. Staunton further suggested a revision to the bylaws that would make the first Planning Commission meeting in March the meeting to elect new officers and amend bylaws if needed.

Chair Staunton also informed Commissioners that the City Council upheld the decision of the Planning Commission by approving the request for subdivision for the property on the 6300 block of Warren Avenue.

Commissioner Potts informed the Commission the Morningside neighborhood would be holding a workshop on stormwater solutions from 2-4 PM, Sunday the 16th at Weber Park. Potts also noted the City of Edina would also be offering a workshop on March 27th. Potts told the Commission to refer to the City's website for further details on the City event.

Commissioner Carr told the Commission the France Avenue urban design has been given the green light for the first phase of the project. Carr said in her opinion the plan is a great plan adding greenery and lighting to the corridor. Schroeder agreed, adding pedestrian mobility was also enhanced.

X. STAFF COMMENTS

Planner Teague informed the Commission that the applicants of the recently approved subdivision on Warren Avenue submitted revised landscaping plans. The revised plans indicated all trees would be preserved.

Planner Teague told Commissioners at the April 9th Planning Commission meeting he anticipates the Agenda to include redevelopment of the old Wicke's Furniture store site and Taco Bell.

Planner Teague reminded Commissioners of their joint meeting with City Attorney, Roger Knutson on March 22, 2014 9-11 AM at the Edina Senior Center.

XI. ADJOURNMENT

Commissioner Lee moved adjournment at 8:30 PM. Commissioner Olsen seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker/Kris Aaker

Respectfully submitted